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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,472	12/29/2000	Dinesh Mody	FMT1P028	7176

28802 7590 12/31/2002

AFX INC.
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FREMONT, CA 94538

EXAMINER

SHAY, DAVID M

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on August 6, 2002

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-277 is/are pending in the application.
Of the above, claim(s) 105-227, 256-277 is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 1-107, 225-255, 275-277 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 3739

1. Claims 108-224 and 256-274 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 14.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-105, 107, 226-228, 250-255, 276-278, and 288 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is indefinite because the meaning intended to be inferred by the placement of the legend " 5", prior thereto is unclear. For the purposes of examination this legend will be disregarded. The limitations in claim 19 are broader than the claim from which it depends. Claims 21-42, 49-69, 71, 72, 83-85, 89-91, 94-105 226-228, 250-255, 276, 277, and 288 all recite no method steps. Claims 1 and 107 are substantial duplicates. Claim 278 is indefinite because it is unclear what further limitation is to be claimed thereby.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 9, 23, 24, 34-39, 43-47, 55-57, 92-95, 98 and 275-280 are rejected under 35

U.S.C. 102(b) as being clearly anticipated by Hussein et al

6. Claims 1-11, 17, 18, 19, 34-39, 48, 55-57, 92-95, 98, 99, 106, 107, 225-229, 231, 233,

236, and 275-280 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mueller et al

7. Claims 1-4, 9-12, 17-24, 34-39, 48, 55, 56, 106, and 107 are rejected under 35 U.S.C.

102(b) as being clearly anticipated by Isner et al.

8. Claims 1-4, 9-11, 23, 24, 34-39, 43, 55-57, 80, 82-86, 88, 89-95, 98, 99, 106, 107, and

275-280 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kesten et al.

9. Claims 1-24, 40-48, 65-68, 92-95, 104-107, 225-230, 234, 236, 240-249, 275-280, 282-

295 and 297 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cox et al (WO '187).

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

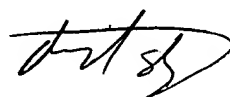
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2. Claims 25-33, 49-54, 58-64, 69-79, 81, 86, 87, 92-94, 96, 97, 100-103, 225, 229, 232, 235, 238, 239, 244, 246, 250-255, 281, 293, 294 and 296 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussein et al, or Mueller et al or Kesten et al, or Cox et al (WO '187). Hussein et al, Mueller et al, Kesten et al and Cox et al (WO '187) teach methods of ablating cardiac tissue using various forms of energy, Cox et al (WO '187) particularly teaching treating the heart in the vicinity of pulmonary veins. It would have been obvious to the artisan of ordinary skill to employ ultrasonic, microwave or radio frequency energy, since these are equivalents to the other energies shown by the applied art; to employ a key to enable the surgeon to recognize the orientation of the surgical device, since this is a notorious orientation indicator in the art; to sense the temperature, since this is notorious in ablation systems, since this is notorious for ablating in sensitive organs such as the heart; to apply energy to assure that the ablation has been effective, since this is also notorious in the art, thus producing a method such as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Shay whose telephone number is (703) 308-2215. The examiner can normally be reached on Tuesday-Friday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

David Shay:bhw



DAVID M. SHAY
PRIMARY EXAMINER
GROUP 330

December 18, 2002.